

Message Text

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ACTION SNM-02

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DEA HQS WASHDC
AMEMBASSY PARIS

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PARIS FOR DEA

E.O. 11652: NA
TAGS: SNAR NL
SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF
MARIHUANA

REF: STATE 57902 (NOTAL)

1. LEGAL PROVISIONS GOVERNING MARIHUANA POSSESSION (BOTH
FOR PERSONAL USE AND TRAFFICKING) ARE CONTAINED IN ARTICLES
THREE AND ELEVEN OF LAW OF JUNE 23, 1976, WHICH CAME INTO
EFFECT NOVEMBER 1, 1976.

2. ARTICLE THREE: "IT IS FORBIDDEN: (A) TO TAKE IN OR OUT
DUTCH TERRITORY; (B) TO PREPARE, PROCESS, SELL, DELIVER,
SUPPLY OR TRANSPORT; (C) TO POSSESS; (D) TO MANUFACTURE, THE
MEANS, MENTIONED IN LIST II BELONGING TO THIS LAW."

3. ARTICLE ELEVEN: "1. HE WHO ACTS IN CONTRAVENTION OF A
PROHIBITION MENTIONED IN ART 3 WILL BE PUNISHED BY A DETEN-
TION OF ONE MONTH AT THE MOST OR A FINE OF 500 GUILDERS AT
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THE MOST;
"2. HE WHO DELIBERATELY ACTS IN CONTRAVENTION OF A
PROHIBITION MENTIONED IN ARTICLE 3 UNDER B, C OR D, WILL
BE PUNISHED EITHER BY IMPRISONMENT OF TWO YEARS AT THE
MOST AND A FINE OF 10,000 GUILDERS AT MOST, OR BY ONE
OF THESE PENALTIES.

"3. HE WHO DELIBERATELY ACTS IN CONTRAVENTION OF A PROHIBITION MENTIONED IN ART 3 UNDER A, WILL BE PUNISHED BY IMPRISONMENT OF AT LEAST FOUR YEARS AND A FINE OF 50,000 GUILDERS AT THE MOST, OR BY ONE OF THESE PENALTIES.

"4. THE SECOND PARAGRAPH IS NOT APPLICABLE, IF THE FACT CONCERNS A QUANTITY OF 30 GRAMS AT THE MOST OF THE MEANS MENTIONED IN ART 3."

R. LIST II REFERS ONLY TO HEMP PRODUCTS.

5. STRICTNESS WITH WHICH ABOVE PROVISIONS ARE APPLIED VARIES. ALTHOUGH PUBLIC PROSECUTORS THROUGHOUT NETHERLANDS HAVE DECIDED TO SEEK UNIFORMITY OF SENTENCES, JUDGES WILL NOT COMPLY. COURTS IN BIG CITIES TEND TO BE MORE TOLERANT THAN THOSE IN SMALLER MUNICIPALITIES OR IN COUNTRY. EXAMPLE: A JUDGE IN AMSTERDAM RECENTLY GAVE ONLY SIX MONTHS TO TURK WHO SMUGGLED 1130 KGS OF HASHISH IN A TIR TRUCK. AS FOR LAW ENFORCEMENT, POLICE SAY THAT GIVEN CHOICE BETWEEN PURSUING TRAFFICKERS OF 100 GRAMS OF HEROIN AND ONE KILOGRAM OF HASH OR MARIJUANA, THEY WILL GO AFTER THE HEROIN.
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